

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

QUEINTON LAVELL MATTHEWS, JR.

Plaintiff,

v.

ANDREW NETZ, BYRON WIRTH,
SUSANNNA PEARSON and MIKE CHRISTENSEN,

Defendants.

ORDER

12-cv-247-slc

Plaintiff Queinton Matthews, an inmate at Wood County Jail in Wisconsin Rapids, Wisconsin, has submitted a proposed complaint under 42 U.S.C. § 1983. He asks for leave to proceed *in forma pauperis*. Because plaintiff is in custody, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint *in forma pauperis*, plaintiff will have to make an initial partial payment of the filing fee.

In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner requesting leave to proceed *in forma pauperis* must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to his prison account in the six-month period immediately preceding the filing of the complaint.

In this case, 20% of the average monthly balance in his account is a negative amount, but 20% of the average monthly deposits made to his account is \$0.21. Because the greater of the two amounts is 20% of the average monthly deposits or \$0.21, that is the amount plaintiff will be assessed as an initial partial payment of the filing fee. Plaintiff should show a copy of this

order to jail officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Queinton Matthews is assessed \$0.21 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$0.21 on or before April 27, 2012. If, by April 27, 2012, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 5th day of April, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge